



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 13 2007

REPLY TO THE ATTENTION OF  
(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Rodney Bolton  
Plant Manager  
Hercules Incorporated  
5228 North Hopkins Street  
Milwaukee, WI 53209-4634

Dear Mr. Bolton:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that the Hercules Incorporated facility at 5228 North Hopkins St, Milwaukee, Wisconsin (Hercules or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing you a Finding of Violation (FOV).

The CAA requires the development of regulations to protect and enhance the quality of the nation's air so as to promote public health and welfare and the productive capacity of its population. To attain and maintain these standards U.S. EPA has developed emission standards to reflect the Maximum Achievable Control Technology (MACT). Hazardous Air Pollutants (HAPs) may cause serious health effects including birth defects and cancer. They may also cause harmful environmental and ecological effects. The MACT includes the following requirements, which apply to your facility:

- 1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug or a second valve and each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.
- 2) Each leaking valve shall be repaired as soon as practicable, but no later than 15 calendar days after each leak is detected.

- 3) Each piece of equipment in a process unit to which the MACT applies shall be identified such that it can be distinguished readily from equipment that is not subject to the MACT.

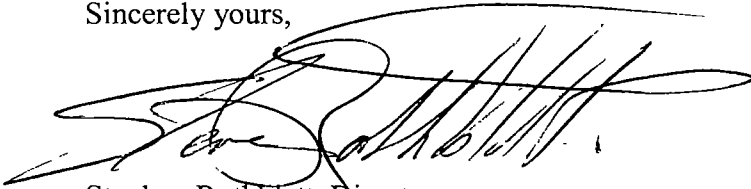
U.S. EPA finds that Hercules has violated the above-listed MACT requirements.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Shannon Downey. You may call her at (312) 353-2151 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephen Rothblatt', with a large, sweeping flourish extending to the right.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: William Baumann, Chief  
Combustion Process  
Bureau of Air Management  
Wisconsin Department of Natural Resources

**United States Environmental Protection Agency**

<b>IN THE MATTER OF:</b>	)	
	)	
Hercules Incorporated	)	<b>FINDING OF VIOLATION</b>
Milwaukee, Wisconsin	)	
	)	EPA-5-07-11-WI
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**FINDING OF VIOLATION**

Hercules Incorporated (you or Hercules) owns and operates a refinery at 5228 North Hopkins Street, Milwaukee, Wisconsin (facility).

The United States Environmental Protection Agency (U.S. EPA) is sending this Finding of Violation (FOV or notice) to you for violating Maximum Achievable Control Technology (MACT) Subpart W, your Federally Enforceable State Operating Permit (FESOP) and the underlying statutory and regulatory requirements including provisions of the Clean Air Act (the Act or CAA), and its implementing regulations.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in this FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

**Explanation of Violations**

The following documents and regulations are relevant to this FOV:

40 C.F.R. Part 63, Subpart W, National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production Requirements (MACT Subpart W) pertaining to leak detection and repair:

1. Leak Repair Requirements:

- a) MACT Subpart W requires that owners and operators repair a valve in a gas/vapor or light liquid service as soon as practicable, but no later than within 15 days of when the leak is first detected. This requirement is found at 40 C.F.R. § 63.524(a)(2) and 40 C.F.R. § 63.163(c)(1). This is also required by condition I.C.1.b of Hercules' FESOP.
- b) According to maintenance repair logs provided by Hercules during U.S. EPA's inspection, you failed to repair one leaking valve within fifteen days of detection.

2. Open-ended Valve or Line Requirements:

- a) MACT Subpart W also requires that any open-ended valve or line be equipped with a cap, blind flange, plug, or second valve. This requirement is found at 40 C.F.R. § 63.524(a)(2), 40 C.F.R. § 63.167(a)(1) and condition I.C.1.b of Hercules' FESOP.
- b) During its inspection, U.S. EPA discovered that Hercules did not meet this requirement on one of its open-ended valves.
- c) Also, the cap, blind flange, plug, or second valve must seal the end at all times except during operations requiring process fluid flow through the open-ended valve or line. This requirement is found at 40 CFR § 63.167(a)(2).
- d) During inspection, U.S. EPA discovered that Hercules failed to seal properly the open end of one of its open-ended valves or lines.

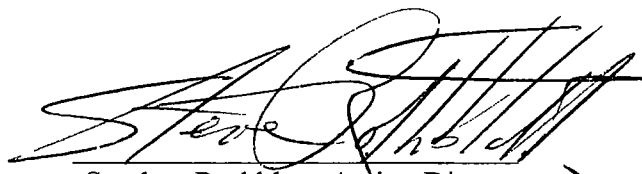
3. Equipment Identification Requirements:

- a) MACT Subpart W also requires that each piece of equipment in a process unit to which Subpart W applies to be identified such that it can be distinguished readily from equipment that is not subject to Subpart W.
- b) During inspection, Hercules could not readily identify or locate approximately 98 components for U.S. EPA's inspectors.

**Environmental Impact of Violations**

- 1. Violation of the HAP standards may cause serious health effects including birth defects and cancer. They may also cause harmful environmental and ecological effects.

8/13/2007  
Date

  
Stephen Rothblatt, Acting Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

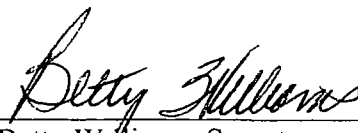
I, Betty Williams, do hereby certify that a Finding of Violation (EPA-5-07-11-WI) of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Mr. Rodney Bolton  
Plant Manager  
Hercules Incorporated  
5228 North Hopkins Street  
Milwaukee, WI 53209-4634

I also certify that I sent copies of the Finding of Violation (EPA-5-07-11-WI) by first class mail to:

William Baumann, Chief  
Combustion Process  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 S. Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53707

on the 13<sup>th</sup> day of August, 2007.

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 000589201712